

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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|-------------------------|---|--------------------------------|
| RANDALL D. BIMBO, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 2:20-cv-00184-ACA-JEO |
| |) | |
| JOSEPH HEADLEY, et al., |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM OPINION

Shannon Bimbo filed this habeas corpus action as “next of kin” for Randall D. Bimbo. (Doc. 1). Because that pleading failed to provide any basis for habeas relief and contained no showing that Shannon Bimbo had the authority to act on behalf of Randall Bimbo, the magistrate judge instructed Randall Bimbo to file a corrected pleading. (Doc. 2). In response, Shannon Bimbo filed an amended habeas pleading on behalf of Randall Bimbo (doc. 3), which again failed to set forth any basis for habeas relief and failed to correct the shortcomings in the initial pleading. On March 18, 2020, the magistrate judge entered a report and recommendation that this action be dismissed without prejudice for lack of jurisdiction.¹ (Doc. 4).

¹ As set forth in the Report and Recommendation, without the proper showing to proceed as a “next friend,” the court lacks jurisdiction to consider the petition. (Doc. 4 at 2–3). The Report and Recommendation also contained explicit instructions to the petitioner as to the proper procedure to pursue the claims raised in his “Affidavit of Truth,” attached to the amended petition. (*Id.*, at 3-4).

Although the petitioner was advised of the right to file objections to the report and recommendation, no objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge's report and recommendation, the court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. The petition for a writ of habeas corpus is due to be **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction. A separate Order will be entered.

DONE and **ORDERED** this April 21, 2020.

A handwritten signature in black ink, appearing to read 'Annemarie', is written above a horizontal line.

ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE